

Proposed Amendments to SB 481 - Informed Consent For Marriage

For Senate Judiciary Committee

Hearing Date: February 21, 2007

Prepared at the Request of the Montana Association of Clerks of District Court

Prepared by: Nancy Sweeney, Lewis & Clark County Clerk of District Court

Date prepared: February 20, 2007

Add reference to

40-1-208. Penalties (1) An applicant for a marriage license, a physician or other person authorized by rule of the department of public health and human services to issue a medical certificate, or a person in charge of or authorized to make reports or statements for a laboratory who misrepresents the person's identity or any of the facts called for by the certificate form prescribed by 40-1-203 through 40-1-205, a licensing officer who issues a marriage license without having received the certificate form, if required, or who has reason to believe that any of the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.

(2) Medical certificates, laboratory statements or reports (INSERT certificates acknowledging the rights and obligations of marriage) and applications referred to in 40-1-203 through 40-1-209 are confidential and may not be divulged to any person other than state or local health officers or their representatives. A person who divulges the information or opens to inspection the certificates, statements, reports, or applications, without authority, to any person not entitled to the material by law is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.

The amendment would be

FOLLOWING : "(2) Medical certificates laboratory statements or reports"**INSERT:** "certificates acknowledging the rights and obligations of marriage,"

The amended section would read: "(2) Medical certificates, laboratory statements or reports, certificates acknowledging the rights, and obligations of marriage and applications referred to in 40-1-203 through 40-1-209 are confidential and may not be divulged to any person other than state or local health officers or their representatives. A person

who divulges the information or opens to inspection the certificates, statements, reports, or applications, without authority, to any person not entitled to the material by law is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100."